

MUNICIPAL CLERK
ATLANTA, GEORGIA

AN ORDINANCE

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AN ORDINANCE TO AMEND SECTION 1-8 OF THE CODE OF ORDINANCES OF THE CITY OF ATLANTA SO AS TO INCLUDE THE FAILURE OF A CITY OFFICER OR CITY EMPLOYEE TO PERFORM AN OFFICIAL ACT OR DUTY, IN THE DEFINITION OF THE TERM 'VIOLATION OF THIS CODE'; TO REPEAL CONFLICTING ORDINANCES; AND FOR OTHER PURPOSES.

THE CITY COUNCIL OF THE CITY OF ATLANTA, GEORGIA HEREBY ORDAINS AS FOLLOWS:

Section 1: Section 1-8(a) of the Code of Ordinances of the City of Atlanta is hereby amended by adding a subsection "(4)" which shall provide as follows:

"(4) The failure of a city officer or city employee to perform an official act or duty that is required to be performed by ordinance, resolution or by rule or regulation authorized by ordinance or resolution."

Section 2: Subsection "(b)" of Section 1-8 is hereby deleted and repealed in its entirety.

Section 3: Subsections "(c)", "(d)" and "(e)" are hereby redesignated as subsections "(b)", "(c)" and "(d)" respectively.

Section 4: All ordinances or parts of ordinances in conflict herewith are

See. 1-7. Altering Code.

It shall be unlawful for any person in the city to change or amend, by additions or deletions, any part or portion of this Code or to insert or delete pages or portions thereof or to alter or tamper with this Code in any manner, except by ordinance, which will cause the law of the city to be misrepresented.

(Code 1977, § 18-1007)

Sec. 1-8. General penalty; continuing violations.

(a) In this section, the term "violation of this Code" means:

- (1) Doing an act that is prohibited or made or declared unlawful, an offense or a misdemeanor by ordinance or by rule or regulation authorized by ordinance;
- (2) Failure to perform an act that is required to be performed by ordinance or by rule or regulation authorized by ordinance; or
- (3) Failure to perform an act if the failure is declared a misdemeanor or an offense or unlawful by ordinance or by rule or regulation authorized by ordinance.

(b) In this section, the term "violation of this Code" does not include the failure of a city officer or city employee to perform an official duty, unless it is provided that failure to perform the duty is to be punished as provided in this section. It is clear from the context that it is the intent to impose the penalty provided for in this section upon the officer or employee.

(c) Except as otherwise provided, a person convicted of a violation of this Code shall be punished by a fine not exceeding \$1,000.00, imprisonment for a term not exceeding six months or work on the public streets or on public works of the city for not more than six months, or any combination thereof. With respect to violations of this Code that are continuous with respect to time, each day the violation continues is a separate offense.

(d) The imposition of a penalty does not prevent revocation or suspension of a license, permit or franchise or other administrative sanctions.

(e) Violations of this Code that are continuous with respect to time are a public nuisance and may be abated by injunctive or other equitable relief and by such other means as are provided by law. The imposition of a penalty does not prevent equitable relief.

(Code 1977, § 18-1008)

Cross references—Authority of municipal judge to order persons convicted of offenses to perform work on public property, § 62-41; municipal court sentences for persons convicted of multiple offenses, § 62-42.

State law reference—Limitations on penalties, O.C.G.A. § 36-35-6(a)(2).

Sec. 1-9. Time limits on prosecutions.

All prosecutions for violations of this Code or other city ordinances shall be commenced within two years after the violation. Any offense against this Code or those ordinances for which no prosecution begins within two years after its commission shall be barred, unless the accused shall have been beyond the limits of the city, in which case the time of absence from the city shall not be embraced or computed as within the two year.

(Code 1977, § 3-1078)

Sec. 1-10. Severability of Code.

The sections, paragraphs, sentences, clauses and phrases of this Code are severable, and if any phrase, clause, sentence, paragraph or section of this Code shall be declared unconstitutional, invalid or otherwise unenforceable by the valid judgment or decree of any court of competent jurisdiction, that unconstitutionality, invalidity or unenforceability shall not affect any of the remaining phrases, clauses, sentences, paragraphs or sections of this Code, since they would have been enacted without the incorporation in this Code of the unconstitutional, invalid or unenforceable phrase, clause, sentence, paragraph or section.

(Code 1977, § 18-1004)

Sec. 1-11. Provisions considered as continuations of existing ordinances.

The provisions appearing in this Code, insofar as they are the same as those of the Code of the city, as amended, and ordinances existing at the